

REMARKS

Claim Amendments

Claims 26-45, 47, 48, 50 and 51 have been cancelled, without prejudice to or disclaimer of the subject matter therein. Claims 53-58 have been added. Claim 53 is supported by original Claims 24 and 44. Claim 56 is supported by original Claims 25 and 44. Claims 54, 55, 57 and 58 are supported by original Claim 45.

Objection to the Specification and Objection to Claims 24-52 Under 35 U.S.C. § 112, First Paragraph:

The Examiner has objected to the specification and rejected Claims 24-52 under 35 U.S.C. § 112, first paragraph, on the basis of enablement. Specifically, the Examiner contends that the art at the time of the invention demonstrated the uncertainty in the operability of any particular cysteine substitution in the claimed protein. The Examiner encourages Applicant to provide any evidence to demonstrate that the disclosure enables the invention.

In reply, Applicants submit herewith a Declaration under 37 CFR § 1.132 of Dr. George Cox, the inventor of the present application. The Declaration of Dr. Cox describes the production and testing of two cysteine variants falling within the scope of the present claims, including a demonstration that the unmodified and PEGylated forms of these proteins are biologically active. The claims have been amended to be limited to these particular cysteine insertions. Accordingly, it is believed that this evidence demonstrates that the present specification was fully enabled for these variants as filed.

In view of the foregoing remarks, withdrawal of the rejection of Claims 24-52 under 35 U.S.C. § 112, first paragraph, is respectfully requested.

Applicants have attempted to respond to all of the Examiner's concerns as set forth in the August 30 Office Action and submit that the present claims are in a condition for allowance. Any remaining questions or concerns regarding the claims should be directed to the below-named agent at (303) 863-9700.

U.S. Application Serial No. 10/774,149

Respectfully submitted,

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